IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/02/2004

CORAM

THE HON'BLE MR.JUSTICE R.JAYASIMHA BABU
and
THE HON'BLE MR.JUSTICE M.KARPAGAVINAYAGAM

W.A.No.2077 of 2003
and
W.A.M.P.No.2077 of 2003

The Tamil Nadu Housing Board,
rep. By its Managing Director,
Nandanam,
Madras-35. ..Appellant

-vs-

1.P.K.Natarajan,

2.The Government of Tamilnadu,
rep. By its Secretary,
Housing and Urban Development
Department, Fort St. George,
Madras-9. ..Respondents

Appeal against the order of the learned single Judge, dated 27.2.200 3
made in W.P.No.18110 of 1997.

!For Appellant : Mr.D.Veerasekaran

^For 1st respondent : Mrs.Rita Chandrasekaran

:JUDGMENT

(Delivered by the Hon'ble Mr.Justice R.JAYASIMHA BABU)

The grievance of the appellant is with regard to the award of cost of Rs.3,000/- by the learned single Judge. That amount has been awarded as cost to the successful petitioner. It is evident that the petitioner would not have been able to get rid of the order made against him without approaching this court and demonstrating that the order was erroneous in law. He had, therefore, necessarily to incur expenditure for the litigation. Normally, the rule is that the successful party is entitled to recover the cost that he has been compelled to incur by reason of the wrongful act of the defendant or the

respondent.

2. We do not see anything illegal in the awarding of cost by the learned single Judge nor do we find that the amount awarded as cost is grossly excessive having regard to the present day circumstances. The writ appeal is dismissed.

To
The Secretary to Government,
Housing and Urban Development
Department,
Government of Tamil Nadu,
Fort St. George,
Madras-9.

Dev/